

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS & ENERGY

)
Investigation by the Department on its own)
Motion as to the propriety of the rates and)
charges set forth in M.D.T.E No. 17, filed with)
the Department on May 5, 2000 to become) D.T.E. 98-57, Phase III
effective June 4 and June 6, 2000 by New)
England Telephone and Telegraph Company)
d/b/a Bell Atlantic - Massachusetts)
_____)

VERIZON MASSACHUSETTS' REQUEST
TO DEFER THE DATE FOR COMPLIANCE IN PART AND
TO EXTEND THE JUDICIAL APPEAL PERIOD

Verizon Massachusetts ("Verizon MA") requests that the Department defer the requirement that Verizon MA file a compliance tariff relating to the 40 business-day interval mandated by the Department for line sharing augments, pending a decision by the Department on the Company's Motion for Partial Reconsideration ("Motion") filed October 19, 2000. Order at 69. Likewise, Verizon MA seeks to defer its filing of line sharing specific cost studies for its nonrecurring application augmentation fee and engineering implementation charge. Order at 116. The basis for this request is set forth below. (1)

Verizon MA already has in place a 76 business-day interval, which it should be allowed to maintain until the Department renders a decision on the Company's Motion. This would minimize confusion and unnecessary disruption caused by Verizon MA's attempt to completely change its processes to attempt to satisfy the 40 business-day interval, which the Company demonstrates in its Motion is unsupported by the evidentiary record and an unreasonable standard to meet on a regular basis. Further, by maintaining the 76 business-day interval for this limited time, Verizon MA avoids later changes if the Department subsequently decides to overturn the 40 business-day

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interval on reconsideration. Accordingly, this is a more efficient and reasonable manner for the Department to proceed.

Likewise, because the costs that Verizon MA is required to develop would be directly and specifically affected by the duration of the augmentation interval, it is also prudent to defer filing those line sharing specific costs studies until six weeks following the Department's ruling on the Company's Motion. To do otherwise would require that Verizon MA duplicate its efforts if the Department subsequently establishes an interval that differs from the 40 business-day interval mandated in the Department's Order.

Finally, Verizon MA also requests that the Department extend the judicial appeal period pending ruling on its Motion for Partial Reconsideration. This preserves Verizon MA's rights to appeal to the Court should the Department not grant the relief requested.

WHEREFORE, Verizon MA requests that the Department defer Verizon MA's obligation to file a compliance tariff and related cost studies on the augmentation interval, pending a final ruling on Verizon MA's Motion.

Respectfully submitted,

VERIZON MASSACHUSETTS

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1. 1 Although Verizon MA does not request to defer filing a compliance tariff regarding the Department's elimination of its proposed nonrecurring charges for loop

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qualification, loop conditioning and engineering queries, the Company requests in its Motion for Partial Reconsideration that it be allowed to true-up those charges to recover its costs for performing those services for competitive local exchange carriers ("CLECs") during the pendency of its Motion. This is consistent with the Federal Communications Commission's ("FCC") determination that incumbent local exchange carriers ("ILECs") be permitted to recover their costs for conditioning lines upon CLEC request. See CC Docket No. 98-147, Memorandum Opinion and Order and Notice of Proposed Rulemaking, ¶53 n.98 (rel. August 7, 1998); See also CC Docket No. 96-98, First Report and Order, 11 FCC Rcd 15, 499, at ¶382 (rel. August 8, 1996). This ruling was reaffirmed in the FCC's UNE Remand Order, ¶¶192-93.